

## Leave Benefits for Resident & Fellows

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### SCOPE

This policy applies to resident/fellows physicians at Maine-Dartmouth Family Medicine Residency (MDFMR).

### PURPOSE

MDFMR administers a package of paid and unpaid time away benefits for resident/fellows. This policy explains the benefits.

### POLICY

MDFMR administers time away benefits in compliance with certifying board's requirements regarding continuity care. See "Absence from Residency" policy for more information.

Time away benefits may be with or without pay, as described below. All time off, regardless of whether it is with or without pay, is subject to the certifying board restrictions on time away from residency and may result in extension of the training program.

#### **Personal Time Off**

Personal time off (or "PTO") is paid leave that may be used for vacation, sick, or personal business. Resident/fellows may not carry over any unused personal time off into the next training year; in the resident/fellows final year, unused time from that year will be paid out at the end of employment. Personal time off will be deducted in ½ day increments. A resident/fellow may not use accrued personal time off at the end of their residency/fellowship for the purpose of shortening their residency/fellowship program.

Personal time off: Resident/fellows receive twenty-one (21) days of personal time off per training year. Sports Medicine fellows receive twelve (12) days of personal time off per training year. Personal time off is received at the beginning of each training year. When a resident/fellow terminates employment, any paid personal time off taken beyond the time earned will be considered a loan or advance that must be repaid and such amount will be deducted from their final paycheck and may extend residency/fellowship.

Maine's Earned Paid Leave Statute: The first 40 hours of time missed each calendar year will be automatically designated as Earned Paid Leave (EPL) under Maine's earned Paid Leave Statute.

For resident/fellows joining MDFMR with advanced standing credits, personal time off will be prorated to the amount of time required to complete that academic year.

Use of personal time off: Use of personal time off must be approved in advance by MDFMR, taking into consideration the needs of MDFMR, including but not limited to ensuring adequate staffing. Some rotation assignments do not allow or may restrict the amount of personal time off that can be taken. If applicable, see "Time Away Request Policy" for restrictions. MDFMR reserves the right to assign personal time off for vacation, to ensure that clinical staffing levels are consistent and resident/fellows take adequate time away for their well-being.

See Leave Time Procedure (under operational procedures)

Use of personal time off for inclement weather: Resident/fellows are expected to use their own discretion about whether to attend work in inclement weather. If a resident/fellow decides not to attend work, either a full or partial day due to inclement weather, the resident/fellows will be expected to use his or her personal time off for this time. Resident/fellows working during inclement weather may be released early at the discretion of administration. If resident/fellows are released early at the administration's discretion or practices are closed for the day, resident/fellows will not be expected to use personal time off.

### **Education Time Off ("CME Time")**

MDFMR provides resident/fellows with up to five (5) days with pay each training year for non-required educational purposes, such as conference attendance, workshops, scholarly activity dissemination, continuing medical education (CME), certification courses not required as part of training, and attendance at recruitment events associated with educational conferences. Education time off may only be used with prior approval. Pre-approved online CME must be completed on-site at the resident/fellows family medicine practice, and the certificate of completion must be submitted to the Residency Coordinator (or designee) on the same day. Expenses associated with education time off will be reimbursed as described in the "Education Funds" policy.

Personal time off, as set forth above, may also be used to attend non-required educational activities, in conjunction with or separate from education time off. Restrictions regarding use of personal time off still apply.

## **Paid Holidays**

MDFMR resident/fellows are granted seven (6) paid holidays per year. These are:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Call coverage for these holidays will be distributed as equitably as possible. No additional compensation time will be given for call duties on holidays.

Part-time resident/fellows are eligible for paid holidays on a pro rata basis.

## **Medical Leave Days**

Medical leave days is paid time off in addition to PTO that is available for use in the event of an extended illness or disability.

Accrual of medical leave days: Resident/fellows accrue three (3) days of medical leave days per training year. Part-time resident/fellows who work 20 hours or more per week accrue medical leave days on a pro rata basis. Part-time resident/fellows who work less than 20 hours per week do not accrue medical leave days.

Use of medical leave days: A resident/fellow may use any accrued medical leave days only after two (2) missed consecutive days of work due to personal illness or delivery. MDFMR may require a physician's note stating the reason and requirement for medical leave days and the expected duration of the medical leave. A resident/fellow must use paid personal time off during the first 2 days of work missed due to illness. If the resident/fellow has no accrued paid personal time off, the first 2 days of work missed due to illness shall be without pay.

A resident/fellow who returns to work on a part-time basis after an illness may use his or her medical leave days on an intermittent basis.

MDFMR may waive the 2-day waiting period for use of medical leave days for resident/fellow who experience a recurrence within three (3) months of returning back to work full-time following an illness. MDFMR may require a return to work authorization from the treating physician before the resident/fellow returns to duty.

Carrying over medical leave days: A resident/fellow may carry over his or her unused medical leave days until the residency program is completed. Medical leave days is for the use of the resident/fellow during their employment at MDFMR. Terminating or graduating resident/fellows will not receive monetary compensation for any unused medical leave days upon cessation of employment. Medical leave days will carry over for resident/fellows who are hired by MDFMR upon graduation, if employment begins within ninety (90) days of graduation.

## **Family Medical Leave**

Eligibility for leave: Resident/fellows are entitled to take up to twelve (12) weeks of leave in a 12 month period for certain qualifying reasons under the state and federal family medical leave laws (together, "FMLA"). These laws provide for job-protected unpaid leave and give employers the right to require that employees substitute all or part of their accrued paid vacation time for this leave.

Conditions for family medical leave: FMLA leave may be requested for certain specified reasons under the law. In general, the reason for the leave must be related to:

- The serious health condition of the resident/fellow which makes the resident/fellows unable to perform the functions of their job;
- Birth of the resident/fellow's child and caring for the newborn child;
- Placement of a child with the resident/fellows through adoption or foster care, in order to care for such child;
- To bond with the resident/fellows child (which leave must be taken within one year of the child's birth or placement);
- The donation of an organ of the resident/fellows for a human organ transplant;
- Caring for a spouse, child, or parent with a serious health condition;
- Caring for a covered service member with a serious injury or illness, or a qualifying exigency related to a covered service member (see "Military Family Member Leave" below)

Resident/fellows should consult with the Administrative Director or designee if they have questions as to whether a particular situation may qualify for leave under FMLA. MDFMR defines spouse to include domestic partner.

No more than twelve (12) weeks of FMLA time may be taken in any rolling twelve (12)-month period, which is measured backward from the date a resident/fellows begins FMLA leave. Resident/fellows can request additional unpaid leave which requires approval of the Program Director, Administrative Director and DIO. If additional time is approved beyond the twelve (12) weeks of FMLA, it may impact the employees' benefits and graduation date as well as accreditation/certification requirements.

Requesting leave: Resident/fellows seeking leave under this policy should submit a written request, but verbal notice of the need for leave is acceptable if the circumstances require, to be followed by additional information as necessary. A request for FMLA leave must indicate the reason for leave and the intended date upon which family medical leave will commence and terminate. Where the necessity of leave is foreseeable, the resident/fellows must provide MDFMR with thirty (30) days' notice prior to the start of a qualifying leave. If thirty (30) days' advance notice is not possible, then as much prior notice as is practical must be provided (generally within a day or two of learning that leave is necessary). The Program Director, Administrative Director, DIO or their designee will respond formally to the request within five (5) business days. If the leave is related to a serious health condition, the resident/fellows must provide a medical certification. The medical certification must indicate the nature of the condition, the probable duration of the condition, and verify the amount of leave requested by the resident/fellow. MDFMR may require a second opinion to determine medical leave eligibility. MDFMR may require supporting documentation for non-medical family leave.

Benefits and return to work: MDFMR will continue the resident/fellows group health insurance benefits during the period of FMLA on the same terms and conditions as if the resident/fellows continued to work. MDFMR will pay the employer's share of the premium, but resident/fellows must make arrangements to pay their share (if any) of any group health insurance premiums while out on leave. If the resident/fellow fails to pay the required health insurance premiums within thirty (30) days of their due date, group health coverage will lapse. Malpractice insurance will be maintained for the specific purpose of maintaining the "tail." For any leave, if time away extends from one fiscal year to the next (July 1<sup>st</sup>), any salary increase will not take effect until the return to employment. Resident/fellow will not be paid holiday pay while out on an unpaid FMLA leave.

Use of FMLA will not result in the loss of benefits (such as paid personal time off and medical leave days) accrued prior to the start of a resident/fellows leave.

Subject to certain exceptions, upon timely return from FMLA, a resident/fellow will be restored to their former position or an equivalent position with equivalent benefits, pay, and other terms and

conditions of employment, unless there have been organizational changes or business needs that would have affected the resident/fellows regardless of the FMLA.

Resident/fellows out on leave may be required to furnish periodic reports of their status and intent to return to work. If applicable, resident/fellows will be required to submit a medical certification or fitness-for-duty certificate prior to being reinstated.

Use of paid personal time off and medical leave days during family medical leave: FMLA leave is unpaid. A resident/fellow can use paid time off (PTO) during FMLA. Medical leave days must be exhausted concurrently with the FMLA leave—the two (2) day waiting period still applies. A resident/fellow may, at their choice, use all accrued paid personal time off concurrently with their FMLA leave. Unless otherwise specified, the remaining FMLA leave after exhaustion of medical leave days and accrued PTO will be unpaid.

If a workers' compensation injury constitutes a serious health condition under the FMLA, worker's compensation leave will run concurrently with FMLA leave. If eligible, and such benefits available, disability benefits will be applied during with the FMLA (but not in duplication of other accrued paid time off benefits).

### **Paid Family Medical Leave**

If resident/fellow takes leave under FMLA for a serious health condition for themselves, spouse, child or parent or to bond with a new child through birth, adoption, or foster placement, six (6) weeks of that leave will be paid family medical leave. Residents/Fellows can utilize paid family medical leave once and at any time during an ACGME accredited program and are eligible on the first day of employment. After six weeks of paid family medical leave has been utilized, subsequent leave time, will be unpaid or require PTO. Paid leave may not be intermingled with paid education time off or any other paid or unpaid time unless there is prior approval by the Program Director, Administrative Director, and DIO.

Resident/Fellows will be provided with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident's/fellow's eligibility to participate in examinations by the relevant certifying board(s).

### **Military Family Member Leave**

Under state and federal law, family members of military service members may be eligible for the following leave:

Military caregiver leave: Eligible resident/fellows who are family members of a covered service member may take up to twenty-six (26) work weeks of leave in a single 12 month period to care for the service member if a serious illness or injury incurred in the line of duty on active duty.

Qualifying exigency leave: Eligible resident/fellows who are family members of a covered service member may take up to twelve (12) weeks of leave for any qualifying exigency arising out of the fact that the covered military member is on active duty or call to active duty status. Exigencies include, but are not limited to, arranging for child care, seeing an adult child off to their assignment, pre-deployment meetings, support groups, and addressing issues arising from the death of a military member, including attending the funeral.

Leave associated with a service member's deployment: An eligible resident/fellow may receive up to fifteen (15) days of family military leave per deployment of a family member who is a member of the military to be used 15 days prior to or immediately following deployment or during a deployed service member's deployment. The resident/fellows must give at least 14 days' notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days.

The family military leave set forth above is unpaid leave. However, a resident/fellow may use their accrued paid personal time off concurrently with any leave described above.

Certification: MDFMR may require certification from the proper military authority to verify a resident/fellows eligibility for the family military leave requested pursuant to this section.

Eligibility: A resident/fellow should contact the Program Director or Administrative Director or their designee for more information about their eligibility for the leave described above.

## **Leave for Victims of Domestic Violence**

In accordance with Maine law, MDFMR will grant any resident/fellow a reasonable and necessary amount of time off from work without pay if the resident/fellow is a victim of domestic violence, domestic assault, sexual assault, or stalking and the resident/fellow needs the time to:

- Prepare for or attend court proceedings; or
- Receive medical treatment; or
- Obtain necessary services to remedy a crisis; or
- Avoid an abuser.

The resident/fellow must request the leave as soon as circumstances make it clear that time off is necessary. Approval of leave will be dependent upon whether:

- The resident/fellows absence will create an undue hardship for MDFMR; and
- The resident/fellow requested leave within a reasonable time; and
- The leave is practical, reasonable, and necessary given the information MDFMR has available to it.

## Bereavement Leave

MDFMR will permit up to three (3) consecutive days' absence with pay for purposes of bereavement leave to any resident/fellow working at least 50% time. If absence is during a day on which the resident/fellow would generally not be working, then the leave will be extended to the next working day. Application shall be made verbally or in writing for such leave to the Program Director, Administrative Director and DIO. Such leave shall be granted upon approval by the Program Director, Administrative Director and DIO. In situations during which the Program Director, Administrative Director or DIO cannot easily be reached, notification must be sent to MDFMR administrative staff. The approval shall not be unreasonably withheld. Approved leave will be considered for an absence due to a death in the family of a resident/fellow. For purposes of the bereavement leave, family is defined as father, mother, sister, brother, grandparent, grandchild, spouse/committed relationship, child, father-in-law, mother-in-law, and any persons who have had parental responsibility for resident/fellow, and those for whom the resident/fellow has had parental responsibility. A pregnancy loss qualifies for bereavement leave. MDFMR's Senior Leadership Team on a case-by-case basis will consider any exceptions to this definition. Bereavement leave may result in extension of residency/fellowship.

Any time taken in excess of personal time balances, must be made up. MDFMR shall have discretion in the interpretation, application, and implementation of this policy. MDFMR reserves the right to modify or amend this policy.

<b>LEAVE BENEFITS FOR RESIDENTs &amp; Fellows (B&amp;C Residents &amp; Fellows)</b>	
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